

cc: KS
C. Ross
ARTHUR E. ROSS #1005
126 Queen Street, Suite 210
Honolulu, Hawaii 96813
Telephone (808) 521-4343

Attorney for Defendant
MARIA D. BARNES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 10 2006

at 3 o'clock and 45 min. P.M.
SHE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00367 DAE
)	
Plaintiff,	)	NOTICE OF MOTION;
	)	DEFENDANT'S MOTION TO
vs.	)	COMPEL DISCLOSURE OF
	)	INFORMATION REGARDING
MARIA D. BARNES,	(01))	COOPERATING DEFENDANTS
GEORGE CALLENDER,	(02))	DAVID ESPINAL, SANFORD
ROBERT CRUZ and	(03))	JACOBSON, ROBERT CRUZ,
SANFORD JACOBSON,	(04))	GEORGE CALLENDER AND
	)	DISCLOSURE OF INFORMATION
Defendants.	)	FILES; DECLARATION OF
	)	COUNSEL; CERTIFICATE OF
	)	SERVICE
)	
	)	Judge: Kevin S. C. Chang
	)	Date: _____
	)	Time: _____
)	


NOTICE OF MOTION

TO:

THOMAS C. MUEHLECK
Assistant United States Attorney
Office of the United States Attorney
PJKK Federal Building
300 Ala Moana Blvd., Rm 6100
Honolulu, Hawaii 96850

PLEASE TAKE NOTICE that the following motion will be heard before the
Honorable Judge Kevin S. C. Chang in his courtroom in the United States
Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii on _____
_____, 2006 at _____ or as soon thereafter as counsel may be
heard.

DATED: Honolulu, Hawaii, February 10, 2006.



ARTHUR E. ROSS
Attorney for Defendant
MARIA D. BARNES

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00367 DAE
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Plaintiff,)	DEFENDANT'S MOTION TO
)	COMPEL DISCLOSURE OF
vs.)	INFORMATION REGARDING
	)	COOPERATING DEFENDANTS
MARIA D. BARNES,	(01))	DAVID ESPINAL, SANFORD
GEORGE CALLENDER,	(02))	JACOBSON, ROBERT CRUZ,
ROBERT CRUZ and	(03))	GEORGE CALLENDER AND
SANFORD JACOBSON,	(04))	DISCLOSURE OF INFORMANT
	)	FILES
Defendants.)	
)	

DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF
INFORMATION REGARDING COOPERATING DEFENDANTS DAVID
ESPINAL, SANFORD JACOBSON, ROBERT CRUZ, AND GEORGE
CALLENDER AND DISCLOSURE OF INFORMANT FILES


Defendant Maria D. Barnes, by and through her attorney undersigned moves the court for an order to compel disclosure of information regarding cooperating defendants David Espinal, Sanford Jacobson, Robert Cruz and George Callender, as well as the governments's technical compliance with the requirements of the Omnibus Crime Control and Safe Streets Act of 1968, including the court order authorizing electronic surveillance and supporting affidavits, their arrest and conviction records and any and all information detailing

the extent of their involvement and/or cooperation in the investigation of this or any other case, any cooperating conduct agreement outlining the type of cooperation expected from them, any record of payment or promise made to them. The rules that the cooperating defendant must follow while working with law enforcement, and any debriefing reports or statements obtained from them.

This motion is brought pursuant to Rules 12, 16(a) (1) and 47 of the Federal Rules of Criminal Procedure. The information is necessary to prove entrapment as a defense and the defendant has been denied due process and her Sixth Amendment right to confront her accusers because of the government's failure to provide access to information regarding David Espinal and the cooperating defendants.

This motion is supported by the attached declaration of counsel.

DATED: Honolulu, Hawaii, February 10, 2006.


ARTHUR E. ROSS
Attorney for Defendant
MARIA D. BARNES